

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA  
PITTSBURGH DIVISION**

DEREK LEE WEBB,	)	
	)	Civil Action No. 2:24-cv-00023
Petitioner,	)	
	)	CHRISTOPHER B. BROWN
vs.	)	UNITED STATES MAGISTRATE
	)	JUDGE
ORLANDO HARPER and	)	
ALLEGHENY COUNTY DISTRICT	)	
ATTORNEY,	)	
	)	
Respondents.	)	

---

DEREK LEE WEBB,	)	
	)	Civil Action No. 2:24-cv-00566
Petitioner,	)	
	)	CHRISTOPHER B. BROWN
vs.	)	UNITED STATES MAGISTRATE
	)	JUDGE
JILL E. RANGOS, ORLANDO	)	
HARPER, ALLEGHENY COUNTY,	)	
AND STEPHAN A. ZAPPALLA, JR.,	)	
District Attorney, Allegheny County	)	
	)	
Respondents.	)	

**MEMORANDUM**

**I. Background<sup>1</sup>**

Petitioner, Derek Lee Webb, is a state prisoner in the custody of the Pennsylvania Department of Corrections.<sup>2</sup> He initiated in this Court Civil Act. No.

---

<sup>1</sup> The case was reassigned to the undersigned on July 3, 2024. *See* Administrative Order 2024-07, No. 2:24-mc-10001.

<sup>2</sup> The DOC Inmate Locator shows that Webb's current location is SCI Camp Hill. Webb has not provided the Court with his DOC mailing address; rather, his

2:24-cv-00023 on January 5, 2024, by the filing of a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. At the time, he was a pre-trial detainee in the Allegheny County Jail pending a criminal trial in the Court of Common Pleas of Allegheny County, docketed at CP-02-CR-0007794-2021. Basically, Webb is challenging the constitutionality of the Criminal Complaint that was lodged against him which charged him with multiple drug offenses and a firearm charge (Criminal Complaint No. 21043672). Prior to trial, the firearm charge was severed and docketed at CP-02-CR-0000437-2024.<sup>3</sup> On January 26, 2024, a jury found Webb guilty of three drug charges and the firearm charge. On April 15, 2024, Webb was sentenced at CP-02-CR-0007794-2021 to 37-72 months imprisonment, consecutive to the sentenced imposed that day at CP-02-CR-0000437-2024 to 60–120 months imprisonment.

The following day, on April 16, 2024, Webb initiated Civil Act. No. 2:24-cv-00566 in this Court by the filing of a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. This petition contains the same challenges to the constitutionality of the Criminal Complaint lodged against him and also includes a claim of judicial error against the trial judge.

---

listed address of record is Derek Lee Webb, c/o 1515 Duquesne Place Dr., Apt 2-215, Pittsburgh, PA 15110, which appears to be a private residence.

<sup>3</sup> For clarity, Mr. Webb was originally charged by the City of Pittsburgh Police with one firearm offense and three drug offenses at Criminal Complaint No. 21043672. These very offenses were later docketed at a different number in the Court of Common Pleas of Allegheny County at CP-02-CR-0007794-2021. Ultimately the lone firearm offense was severed from the drug offenses and docketed at separate number CP-02-CR-0000437-2024. In sum, all three numbers from the complaint to the court dockets relate to the same matter.

Pending in Civil Act. No. 2:24-cv-00023 is Respondents' "Motion to Dismiss or Join With Civil Action No. 24-566." (ECF No. 14). Petitioner Derek Lee Webb filed a response in opposition to the Motion. (ECF No. 16). The Court has reviewed the parties' filings as well as the two cases filed by Webb and concludes that the cases involve at least two common Respondents, they arise from a common set of operative facts, and they involve common questions of law. For the reasons outlined below, the Court will grant the motion and direct that the cases be consolidated pursuant to Federal Rule of Civil Procedure 42(a), and the consolidated matter will proceed under Civil Act. No. 2:24-cv-00023, which was the action first filed by Webb.

## **II. Discussion**

Under Rule 12 of the Rules Governing § 2254 Habeas Petitions, subject to exceptions not relevant here, the Federal Rules of Civil Procedure apply to § 2254 habeas proceedings. *See* Rule 12 of the Rules Governing § 2254 Habeas Petitions, 28 U.S.C. foll. § 2254.<sup>4</sup> Rule 42(a) of the Federal Rules of Civil Procedure states, "If actions before the court involve a common question of law or fact, the court may: (1) join for hearing or trial any or all matters at issue in the actions; (2) consolidate the actions; or (3) issue any other orders to avoid unnecessary cost or delay." Fed.R.Civ.P. 42(a).

Here, the same Criminal Complaint is challenged in both of the captioned actions. And with the exception that the trial judge also has been named as a

---

<sup>4</sup> As Webb is no longer in pretrial detention but is currently serving a sentence under a judgment in a state court, any relief must be requested under § 2254.

Respondent in Civil Act. No. 2:24-cv-0566, the Respondents are the same in both of the captioned actions. Consequently, since the captioned actions contain common factors of law or fact and they involve the same parties, this Court will order the consolidation of the two actions pursuant to Rule 42(a) and will proceed with the consolidated matter under Webb's first filed action, Civil Act. No. 2:24-cv-0023.

Additionally, the Court will order that Webb file by **September 5, 2024**, an Amended Petition, using the attached court-approved § 2254 form. The Amended Petition must clearly include all the grounds for relief from the conviction or sentence that Webb challenges, provide specific facts supporting each argument, and identify the relief requested. Further, the Amended Petition must name as a respondent the state officer who has custody (i.e., the warden or superintendent) and must also name as a respondent the District Attorney of the county in which Webb was convicted and sentenced. *See* Rule 2(a) of the Rules Governing Section § 2254, 28 U.S.C. foll. § 2254, and Local Civil Rule 2254(B)(1).

An appropriate Order follows.

BY THE COURT:

s/Christopher B. Brown

Christopher B. Brown

United States Magistrate Judge

Dated: August 3, 2024

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA  
PITTSBURGH DIVISION**

DEREK LEE WEBB,	)	
	)	Civil Action No. 2:24-cv-00023
Petitioner,	)	
	)	CHRISTOPHER B. BROWN
vs.	)	UNITED STATES MAGISTRATE
	)	JUDGE
ORLANDO HARPER and	)	
ALLEGHENY COUNTY DISTRICT	)	
ATTORNEY,	)	
	)	
Respondents.	)	

---

DEREK LEE WEBB,	)	
	)	Civil Action No. 2:24-cv-00566
Petitioner,	)	
	)	CHRISTOPHER B. BROWN
vs.	)	UNITED STATES MAGISTRATE
	)	JUDGE
JILL E. RANGOS, ORLANDO	)	
HARPER, ALLEGHENY COUNTY,	)	
AND STEPHAN A. ZAPPALLA, JR.,	)	
District Attorney, Allegheny County	)	
	)	
Respondents.	)	

**ORDER OF COURT**

**AND NOW**, this 3rd day of August, 2024, in accordance with the foregoing Memorandum, **IT IS HEREBY ORDERED** as follows:

1. Respondents' "Motion to Dismiss or Join With Civil Action No. 24-566" in Civil Action No. 2:23-cv-00023 is **GRANTED**;

2. The Clerk of Court is directed to consolidate *Webb v. Rangos, et al*, 2:24-cv-00566 into *Webb v. Harper, et al*, 2:24-cv-00023, pursuant to Federal Rule of Civil Procedure 42(a).

3. The Clerk of Court shall mark Civil No. 2:24-cv-00566 “**CLOSED.**”

4. All future filings shall be at Civil No. 2:24-cv-00023.

5. Webb shall file an Amended Petition, in accordance with the instructions in the Memorandum, by **September 5, 2024**.

BY THE COURT:

s/Christopher B. Brown

Christopher B. Brown

United States Magistrate Judge

cc: DEREK LEE WEBB  
1515 Duquesne Place Dr.  
Apt 2-215  
Pittsburgh, PA 15110  
(via U.S. First Class Mail)

Rusheen R. Pettit  
Office of the District Attorney  
(via ECF electronic notification)